

25159. Adulteration of crab meat. U. S. v. Sixty-seven 1-Pound Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35809. Sample no. 39731-B.)

Crab meat taken from the shipment herein involved having been found to contain fecal *Bacillus coli*, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On July 12, 1935, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of sixty-seven 1-pound cans of crab meat in the original packages at York, Pa., consigned by Amory & Holloway Co., Hampton, Va., on or about July 9, 1935, alleging that the article had been transported in interstate commerce from Old Point Comfort, Va., to York, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Regular" on top of can; "Net Weight 1 lb." on side of can.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On August 22, 1935, no claimant having appeared for the property and the court having found that it was subject to seizure for the cause set forth in the libel, a decree was entered for its destruction by the United States marshal.

W. R. GREGG, *Acting Secretary of Agriculture.*

25160. Adulteration and misbranding of tomato puree. U. S. v. 850 Cases and 333 Cases of Tomato Puree. Consent judgment of condemnation. Product released under bond. (F. & D. no. 35772. Sample nos. 38784-B, 38788-B.)

A sample of tomato puree taken from the shipment herein described was found to be deficient in tomato solids. It was also found that the article was incorrectly labeled as "tomato puree" and "tomato sauce."

On July 20, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 850 and 333 cases of tomato puree, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce by A. Glorioso, trading under the name of the Mississippi Canning Co., from Crystal Springs, Miss., on or about June 21 and 25, 1935, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Eagle Brand Tomato Puree [or "Tomato Sauce"] Color Added Contents 4¾ Ozs. Net Packed by A. Glorioso New Orleans, La."

It was alleged in the libel that the article was adulterated in that a substance deficient in tomato solids had been substituted for tomato puree (or tomato sauce), which the article purported to be, and misbranded in that the statements on the labels, to wit, "Tomato puree" and "Tomato Sauce", as the case may be, were false and misleading and tended to deceive and mislead the purchaser when applied to products which are deficient in tomato solids.

On September 16, 1935, Angelo Glorioso having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this Department upon payment of costs and the execution of a bond in the sum of \$4,200.

W. R. GREGG, *Acting Secretary of Agriculture.*

25161. Adulteration of tomato catsup. U. S. v. 135, 161, 148, and 148 Cases of Catsup. Default decree of destruction entered. (F. & D. no. 35798. Sample nos. 26865-B to 26868-B.)

Samples of tomato catsup from the shipment herein described having been found to contain worm debris, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On July 23, 1935, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of several lots of the catsup, consisting of 135, 161, 148, and 148 cases thereof, each containing 6 cans, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the California Supply Co., from San Francisco, Calif., on or about June 25, 1935, and had been transported from the State of California into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was

variously labeled in part: (Cans) "Town Club Brand Catsup"; "Full Value Brand Tomato Catsup"; "Ruby Brand Tomato Catsup"; "Good Year Brand Fancy Catsup."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 14, 1935, no claimant having appeared, judgment was entered ordering that the article be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25162. Adulteration of tomato puree. U. S. v. 9½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35799. Sample no. 33936-B.)

Excessive water was found in puree taken from the shipment herein described.

On July 24, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-half cases of tomato puree at Racine, Wis., alleging that the article had been shipped on or about September 28, 1934, by the Henryville Canning Co., from Pekin, Ind., into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Crystal Springs Brand Tomato Puree Contents Ten and One Half Ozs. Avoir."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 5, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25163. Adulteration of canned spinach. U. S. v. 637 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35823. Sample no. 19572-B.)

This action involved a quantity of canned spinach which was found to contain worms, insects, and extraneous filthy material.

On July 30, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 637 cases of canned spinach at Columbus, Ohio, alleging that the article had been shipped on or about May 9, 1935, by the Robinson Canning Co., from Robinson, Ark., to Columbus, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "King of Ozarks Brand Spinach Contents Six Lb Two Oz."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of extraneous filthy material, worms, and insects.

On September 26, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25164. Adulteration of canned mushrooms. U. S. v. 8 Cases of Canned Mushrooms. Consent decree of condemnation and destruction. (F. & D. no. 36318. Sample no. 44403-B.)

This case involved a shipment of canned mushrooms which were decomposed, underprocessed, and in a state of active spoilage.

On September 11, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases, each containing 12 cans of mushrooms, at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1935, by the Michigan Mushroom Co., from Niles, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Our Lady's Fancy Mushrooms Sliced Michigan Mushroom Company Niles, Mich."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 23, 1935, the Michigan Mushroom Co. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*